

# HOUSE JOURNAL

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EIGHTY-FOURTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FOURTH DAY — TUESDAY, JANUARY 20, 2015

The house met at 9:31 a.m. and, at the request of the speaker, was called to order by Representative Geren.

The roll of the house was called and a quorum was announced present (Record 15).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Ashby; Aycock; Bell; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Canales; Capriglione; Clardy; Coleman; Collier; Cook; Craddick; Crownover; Dale; Darby; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Elkins; Faircloth; Fallon; Farney; Fletcher; Flynn; Frank; Frullo; Galindo; Geren; Giddings; Goldman; Gonzales; González; Guerra; Guillen; Gutierrez; Harless; Hernandez; Herrero; Howard; Huberty; Hughes; Hunter; Isaac; Israel; Johnson; Kacal; Keffer; Keough; King, K.; King, P.; King, S.; King, T.; Klick; Koop; Kuempel; Landgraf; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Márquez; Menéndez; Metcalf; Meyer; Miles; Miller, D.; Miller, R.; Moody; Morrison; Muñoz; Murphy; Murr; Naishtat; Nevárez; Oliveira; Otto; Paddie; Parker; Paul; Peña; Phelan; Phillips; Pickett; Price; Raymond; Reynolds; Riddle; Rinaldi; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Shaheen; Sheets; Sheffield; Simmons; Simpson; Smith; Spitzer; Springer; Stephenson; Stickland; Thompson, E.; Thompson, S.; Tinderholt; Turner, C.; Turner, E.S.; Turner, S.; VanDeaver; Villalba; Vo; Walle; White, J.; White, M.; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Farias; Martinez Fischer; Raney; Smithee.

Absent — Farrar; Krause; Martinez; McClendon.

The chair recognized Representative Schofield who led the house in the pledges of allegiance to the United States and Texas flags.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

Farias on motion of Clardy.

Martinez Fischer on motion of Clardy.

Raney on motion of Clardy.

Smithee on motion of Clardy.

(Blanco in the chair)

The chair recognized Representative M. White who introduced Jeff Harris, pastor, Grace Community Primitive Baptist Church, Temple, who offered the invocation as follows:

Our Heavenly Father, we come before thee with thankful hearts that you have assembled us together today to acknowledge our dependency upon your wisdom, courage, and strength for such a time as this in the history of our great state and nation. We come today to pray for wisdom in the governance of a free people who have elected men and women that represent us in this sacred chamber. You are the source of truth and wisdom, without which mankind is left to grope in a meaningless fog of indifference and confusion. We ask for you to grant our governor, lieutenant governor, and each elected official the grace of wisdom to be just, ruling in the fear of God, which is the beginning of wisdom. In justice, let them remember mercy, and in all their efforts, let them remember the standard set forth by your holy word. Let all their deliberations be without partiality or hypocrisy, but bring you honor and benefit the people of our state.

We come before you today asking you for divine courage. Many problems and challenges confront us that require courage to remedy. We ask for a courage that arises from a deep sense of duty that is tempered by a firm resolve of virtue and reason, courage to stand up for what is right and good, courage to face the tyranny of fear produced by the giants we must face and the walls that the enemies of liberty seek to raise up around us. Give us a good courage that will help us to stand strong, not only for our sakes, but for the sake of those who look to us for leadership.

We ask for moral strength to be a voice for the voiceless in our culture today. Let us be strong in our defense of the unborn and weak among us. Help us to honor our aged and those who have served our country in the military. Let us value all of life in a way that honors you. Many temptations prevail among men and women of authority and position. We ask that you would protect the moral fabric of this legislative body from scandal and moral impurity that can undermine the integrity of the whole society of the legislature, from bribery or immoral relationships that would affect sound judgment, from selfish or self-serving attitudes that endanger the cooperative goals of others. We ask your blessing upon each family and the sacrifices that they are called upon to make because of the work of this legislative house. In the name of our Lord, Jesus Christ. Amen.

**HR 128 - ADOPTED**  
**(by E. Rodriguez)**

Representative E. Rodriguez moved to suspend all necessary rules to take up and consider at this time **HR 128**.

The motion prevailed.

The following resolution was laid before the house:

**HR 128**, Commemorating the investiture of Jane Cummins as the 2015 president of the Texas Lyceum.

**HR 128** was adopted.

On motion of Representative Howard, the names of all the members of the house were added to **HR 128** as signers thereof.

### **CAPITOL PHYSICIAN**

The chair recognized Representative Stickland who presented Representative Stuart Spitzer of Henderson County as the "Doctor for the Day."

The house welcomed Representative Spitzer and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

### **PROVIDING FOR ADJOURNMENT**

At 9:53 a.m., Representatives Tinderholt and Krause moved that, at the conclusion of the joint session for the inauguration of the governor and lieutenant governor, the house adjourn until 10 a.m. tomorrow in memory of Kelly Walters of Arlington.

The motion prevailed.

### **INAUGURATION OF THE GOVERNOR AND LIEUTENANT GOVERNOR**

#### **(The House of Representatives and the Senate in Joint Session)**

At 11 a.m., the members of the house reconvened at the south entrance of the Capitol and were joined by the senate in a joint session for the purpose of inaugurating the governor-elect, the Honorable Greg Abbott, and the lieutenant governor-elect, the Honorable Dan Patrick.

With the Ross Volunteers of Texas A&M University forming a sabre arch, the governor-elect and Mrs. Abbott and lieutenant governor-elect and Mrs. Patrick and their party were escorted to seats on the platform. The color guard presented the colors.

Colonel Walter Cunningham (ret.) led the pledge of allegiance to the United States flag.

Speaker Straus presented Steve Amerson who sang the national anthem.

The Honorable Hope Andrade led the pledge of allegiance to the Texas flag.

Speaker Straus presented the Providence Catholic School Marian Choristers who sang "Texas, Our Texas."

President Pro Tempore Hinojosa called the senate to order and announced that a quorum of the senate was present.

Speaker Straus called the house of representatives to order and announced that a quorum of the house of representatives was present.

Speaker Straus stated that the house and senate were in joint session for the purpose of inaugurating the governor and lieutenant governor.

Speaker Straus presented Dr. Tony Evans, senior pastor, Oak Cliff Bible Fellowship, Dallas, who offered the invocation.

Speaker Straus stated that the oath of office would be administered to the lieutenant governor-elect, the Honorable Dan Patrick, by the Honorable Ryan Patrick, judge of the 177th State District Court.

The Honorable Dan Patrick then took the constitutional oath of office as lieutenant governor of the State of Texas.

President Pro Tempore Hinojosa introduced the lieutenant governor of Texas, the Honorable Dan Patrick, who addressed the joint session and assemblage, speaking as follows:

If not for the grace of God, you, and millions of Texans, I would not be standing here today. Proverbs 21:31 says: "The horse is made ready for battle, but the victory is the Lord's." I worked hard for 15 months, but the victory was his. I'm humbled, grateful, and blessed beyond belief for your trust in electing me as the 42nd lieutenant governor of Texas. Thank you, again. In Matthew 20:26, the Bible says: "Whoever wants to be a leader among you must first be your servant." I stand here with a servant's heart, respectful of all faiths, but as a Christian first, a conservative second, and a republican third, and I praise Jesus for this moment and this day.

Using Robert Greenleaf's model for business servant leaders, I believe many of his core principles apply to those in public office. First, a servant leader must listen to identify and hear the will of the people. Second, a servant leader must rely on the power of persuasion, not the power of authority. A servant leader must embrace conceptualization—the willingness to dream big dreams, to accomplish what others say cannot be done, and at the same time balance that with a focus on day-to-day problem solving for the matters at hand. They must have foresight to learn from the lessons of the past, assess the realities of the present, and the likely consequences of how a decision we make today can impact the future. A servant leader must be trustworthy, encouraging to others, and humble. These are my goals and my commitment to you, the State of Texas, and the members I serve as the president of the Texas Senate. At this time, I would ask every member of the greatest legislative body in the country, the Texas Senate, to please stand and rise and be recognized. Ladies and gentlemen, this is your Texas Senate for the 84th Session of the Texas Legislature. I look forward to working with each and every one of you.

In my campaign I pledged to secure the border; lower property and business taxes; prioritize, reform, and improve education; build our infrastructure; and protect life, family, and the Second Amendment. That is what I pledged to do as a candidate and what I will do as lieutenant governor. My goal is to be the best lieutenant governor in the history of Texas. It's not about my legacy; it's about you, your family, and the future of Texas.

As conservatives, we have done many great things over the last 12 years since taking the majority, but it's time to take it to the next level. You have given us a mandate, and you have been very clear about what you want us to do. As my friend, and senator, Jane Nelson likes to say, "It's a new day in Texas." What day is it? It's a new day in Texas. Remember that, as I continue in my remarks to join in.

First, I want to talk about education. Yesterday the nation celebrated Martin Luther King, Jr., Day. On August 28, 1963, Reverend King gave one of the greatest speeches in our nation's history, the "I Have a Dream" speech. I don't think he could have dreamed that 52 years later many of our inner city schools would still be failing our children, that we would have a 40 percent dropout rate or higher in many of our city schools, and over half of our inner city children would be living in poverty. It is immoral to tell parents they must send their children to a perennially failing school. Parents deserve the right to pick the best school for their child. Some in Austin tell me school choice will never pass, but Dr. King is not the only one who can dream. I dream of the day when every parent has the choice to send their child to the school they pick because they believe it's best for their child. I dream of the day every child gets a quality education so they can break the binds of poverty and live the Texas and American dream. For the naysayers, remember we already have school choice in Texas. If you're rich enough, you send your children to private school. If you're mobile enough, you move to the suburbs for a good school. But if you're one of the working poor in our inner cities, you don't have money for private school, and you can't move to the suburbs for a better school because you rely on the bus to get to work. This is not an indictment on every school. We have many great schools in Texas. The majority do a fine job. We have many great teachers. My wife of 39 years, my mother-in-law, and my daughter-in-law all were teachers. Being a teacher today is a tough job. Thank God we have dedicated individuals who are willing to take on this most important and noble profession, but where we have failing schools and failing teachers we must have change, and parents must have choice.

We must also continue the reforms we began last session when I served as Education chair: to continue to focus on preparing students for work and college by putting emphasis on job training; we must ensure every student is at reading level by the 4th grade; and we must ensure that schools follow the laws we pass. Last year, we passed a law on a bipartisan basis keeping Common Core out of Texas. We need to keep the federal government out of our schools. We are going to accomplish these goals because what day is it? It's a new day in Texas. In higher education, we must reduce the cost of skyrocketing tuition that is pricing many middle class families out of college and saddling students with huge debt upon graduation. We're going to reduce costs because what day is it? It's a new day in Texas.

Taxes—it's time we reduce current property taxes and reform the system of taxing based on value growth. Homeowners cannot afford their taxes to go up eight percent or more each year if their salaries are going up only three percent a year or less. And we are going to give businesses the tax relief they need to keep our economy strong and continue the job creation that has made us a leader in America. We will accomplish all of these goals because what day is it? It's a new day in Texas.

We are going to fund our infrastructure because it's vital to our economy. We are finally going to end the gas tax diversion. And one of my big dreams is for Texas to lead the nation in natural gas vehicles for all government entities. It's clean, it's cheap, it will save taxpayers money, and it's right here in Texas. We will accomplish these goals because what day is it? It's a new day in Texas.

The most important responsibility for any lawmaker is to keep you and your family safe. To that end, the senate will fund border security at the highest levels in state history. We are going to secure our border through the use of technology, air and river power, the DPS, the Texas Rangers, game wardens, local law enforcement, and, when needed, the National Guard. The threat from terrorists, drug cartels, and gang members crossing the border is high. National security starts with border security, and in Texas we are going to protect our citizens. We are going to accomplish these goals because what day is it? It's a new day in Texas. And while speaking of law enforcement, I want to thank the men and women all across Texas who protect us. They, along with our brave firefighters, have the only job I know of where when they go to work each day, they are willing to give up their life to save others. Like all professions, they must be held accountable for their job, and they expect to be. But this is Texas, not New York. We stand by our law enforcement officers. We have their back because they have ours.

The world needs America to be strong, and America needs Texas to be strong. If Houston, Austin, Bowie, and Crockett were alive today, I think they would be proud of what the people of Texas and its government have accomplished, but they would warn us that we can never take our success or liberty for granted. We the people of Texas and we as servant leaders in our Capitol have a responsibility to do whatever it takes to keep Texas strong and an example for the rest of the country and the world to follow. We have no choice. As my friend Senator Donna Campbell likes to say, "There is not another Texas to move to." Texas is one of a kind—blessed by God, fought for by patriots, and home to the greatest people God ever put on this earth who are willing to fight back against an ever encroaching federal government. "Come and Take It" is not just a motto and a flag from the distant past. It remains our way of life in Texas to this day. We have a lot to do, but we're going to get it done because what day is it? It's a new day in Texas. God Bless you, your family, and the great State of Texas.

At the conclusion of the lieutenant governor's address, Speaker Straus stated that the oath of office would be administered to the governor-elect, the Honorable Greg Abbott, by the Honorable Nathan L. Hecht, chief justice of the Supreme Court of Texas.

The Honorable Greg Abbott took the constitutional oath of office as governor of the State of Texas.

Following a nineteen-gun salute, Speaker Straus introduced the governor of Texas, the Honorable Greg Abbott, who addressed the joint session and assemblage, speaking as follows:

Thank you and welcome to your Capitol of Texas. Lieutenant Governor Patrick, Speaker Straus, elected officials, members of the judiciary and the legislature, and most especially, my fellow Texans, let me express my deep gratitude to the people of Texas for electing me governor of the greatest state in America.

For 14 years, we the people have placed our trust in a man I am humbled to succeed. Along with his wife, Anita, he has been a faithful steward of the miracle that is Texas, and I thank Rick Perry for his unwavering leadership.

The path that brought me here I could not have traveled alone. I share today with so many, starting with a woman of genuine warmth and character—my beautiful wife, Cecilia. Texas has been the blending of cultures from across the globe even before we became our own nation. My wife represents that as she now has made Texas history as the first Hispanic first lady in the history of our great state.

Cecilia and I share this day with our precious daughter, Audrey. Through your eyes we see the promise of the next generation of Texans. I am honored to be Texas Governor, but the title that matters most to me is Dad.

Family is everything to us, as shown by the legions of family members with us today. I won't name them all, but I want all of them to know how grateful I am for their love and support. I do want to recognize my father-in-law, Bill Phalen, and perhaps the most famous mother-in-law in Texas, mi madrina, Maria de la Luz Segura Phalen. I also want to recognize Gary Abbott. He's my big brother and a retired commander in the U.S. Navy where he served for 20 years. Thanks to my brother Gary and to every man and woman who has ever worn the uniform of the United States military. Their extraordinary service has secured our freedom to celebrate events of democracy like this today.

But, let's face it, for me this moment was highly improbable. During this month 30 years ago, I lay in a hospital bed recovering from injuries that broke my back and left me forever unable to walk. The journey from that Houston hospital to the Texas governorship was possible because of two powerful forces. First is the grace of God. The Book of Matthew reminds us that with God all things are possible. I am reminded of this when I hear a song that often plays in churches. It's titled "You Raise Me Up":

*You raise me up so I can stand on mountains;  
You raise me up to walk on stormy seas;  
I am strong when I am on your shoulders;  
You raise me up to more than I can be.*

As I begin my governorship, I humbly ask for God's continued grace and guidance, and I assure you we will never forget that we remain one nation under God.

The other powerful force that allowed me to go from that Houston hospital to this inauguration is that I had the good fortune to live in the great State of Texas. Texas is the place where the improbable becomes the possible. Many thought that it was improbable that Texans would overcome total devastation at the Alamo. And yet the unyielding drive for independence that has always filled the hearts of Texans led to victory at the Battle of San Jacinto. And thus began

the legend that Texas has become. To this day, Texas has been filled with legends who started humbly and succeeded spectacularly. Where a boy like Dan Duncan, who grew up dirt-poor in East Texas, started a business with two trucks and \$10,000, but with hard work and true grit he went on to become one of the wealthiest Texans ever. Where people like Colleen Barrett can climb the ladder from executive assistant to being listed as one of the most powerful women in America as president of Southwest Airlines. Where a 13-year-old daughter of immigrants from Mexico worked nights in a drapery factory but never gave up on her dreams, now Eva Guzman is the first Latina to serve as a justice on the Texas Supreme Court. And where a mother from Wichita Falls who, like so many mothers, chose to stay at home with her children to raise them and instill in them the values she thought important. Although she's now in heaven with my dad, she's no doubt proud that her timeless love and devotion inspired her son to become the 48th governor of Texas. These stories are the promise of Texas. These stories are not the exception because our state truly is exceptional. I am living proof that we live in a state where a young man's life can literally be broken in half, and yet he can still rise up and be governor of this great state. As governor, I will ensure Texas remains the state that provides that brand of opportunity for every Texan.

Texas truly is the land of opportunity, the place where anyone can achieve anything. But as great as Texas is, there's more we must do. More for the families stuck in traffic. More for parched towns thirsty for water. More for parents who fear their child is falling behind in school. More for employers searching for skilled workers. More for our veterans who return broken from battle. And we must do more for the millions of Texans who are tired of seeing our state sovereignty and the rule of law ignored by a federal government that refuses to secure our border.

As governor, I will ensure that we build the roads needed to keep Texas growing, that taxes raised for roads will be spent on roads. I will speed up our needed water projects, and I will secure our border. As governor, I will continue my legacy of pushing back against Washington if they spend too much, regulate too much, or violate our state sovereignty. Any government that uses the guise of fairness to rob us of our freedom will get a uniquely Texan response: "Come and take it." We Texans aren't spoiling for a fight, but we won't shrink from one if the cause is right. For too long Washington has tried to remake America in its image. In Texas, we offer a different approach—we don't put our trust in government; we put our trust in the people, and I will make sure we keep it that way. We must never forget that government is the servant of the people, not the other way around.

I will also ensure that we keep Texas number one in the nation for job creation. We will promote policies that limit the growth of government, not the size of your dreams. Yet we know too many still live on the fringe of opportunity. For them there is no solace in number one rankings that fail to touch their lives. I speak about children living in broken homes and struggling in broken schools. On this point, we cannot be captive to partisan arguments. Our children transcend politics. If Texas is to remain the leader at creating jobs, we must become the

leader at educating our children. Countries sometimes excel because of their military might. States are different. We excel by our mental might. Texas should be the source of the greatest minds the country has ever known. These great minds will not be molded by a cookie-cutter approach to teaching. Instead they will be the product of great teachers who recognize the value and uniqueness of each student. We will cultivate those teachers to educate those students to fill the growing job markets that will keep Texas the economic engine of America. With us today is one of those teachers, my English teacher at Duncanville High School, Nancy Nickel. She taught me more than how to read and write; she taught me to reach for my dreams. Thank you, Mrs. Nickel, and thanks to all of our tremendous teachers.

There is no place like Texas. We will ensure that remains just as true for the next generation as it does for those here today. So take a moment. Look at where you're standing or sitting right now. The ground beneath your feet is more than just grass or pavement—it's the soil that centuries ago bore the hopes and dreams of settlers who risked it all to come to a land that promised freedom and opportunity. Scripture teaches us that tribulation produces perseverance; perseverance, character; and character, hope. Texans are filled with hope because our lives have been infused with the perseverance and character that sprang from the tribulations faced by those who came before us, and we must make sure this hallowed ground stirs the hopes and dreams of those who come after us. We must keep Texas on a path that ensures that years from now people will stand on this very ground as grateful to this generation as we are to past generations. To do that, we must do more than work to find common ground to solve our problems. We must seek higher ground that will continue to elevate Texas, not just as a leader in this nation, but as a leader in this world. Because as goes Texas, so goes America, and as goes America, so goes the world. So we must take the lead here in Texas—from Amarillo to McAllen, from El Paso to Beaumont. We must work together to ensure that even the future is bigger in Texas. May God bless each and every one of you, and may God forever bless the great State of Texas.

Speaker Straus presented Most Reverend Michael F. Olson of Fort Worth, who pronounced the benediction.

Speaker Straus extended an invitation, on behalf of Governor Abbott and Lieutenant Governor Patrick, to all guests to the remaining inaugural festivities.

### **SENATE ADJOURNMENT**

At 12:09 p.m., President Pro Tempore Hinojosa stated that the purpose for which the joint session was convened having been completed, the senate would stand adjourned until 11 a.m. tomorrow.

### **ADJOURNMENT**

Speaker Straus stated that the purpose for which the joint session was convened had been completed. In accordance with a previous motion, the house, at 12:09 p.m., adjourned until 10 a.m. tomorrow.

